

district court an information in two counts against the Pacific Laboratories, Inc., a corporation, trading at Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 29, 1931, from the State of California into the State of Washington, of a quantity of Bron-Co Capsules that were misbranded.

Analysis of a sample of the article by this Department showed that it consisted of capsules containing sodium and ammonium chloride and sulphate, a phenolic compound, and acetanilid (0.042 gram per capsule).

It was alleged in the first count of the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the label of the box containing the article and in an accompanying circular, falsely and fraudulently represented that it was effective relief for difficult breathing; effective as a treatment, remedy, and cure for bronchial and throat disorders in poultry, bronchitis or bronchopneumonia, pulmonary catarrh, cough, rattling in the throat, and difficulty and uneasiness of breathing; effective as a treatment, remedy, and cure, for four different kinds of bronchitis, the acute, the chronic, the fetid, and the fibrinous; and effective as a treatment, remedy, and cure for throat and trachea disorders. Misbranding was alleged in the second count for the further reason that the article contained acetanilid and the label on the package failed to bear a statement of the quantity or proportion of acetanilid contained in the article.

On November 20, 1933, a plea of nolo contendere was entered to the first count of the information, a plea of guilty was entered to the second count, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21781. Adulteration and misbranding of Phenlin Oris. U. S. v. John H. Wood Co. Plea of guilty. Fine, \$75. (F. & D. no. 30299. Sample no. 9347-A.)

This case was based on an interstate shipment of a drug preparation known as Phenlin Oris, the label of which bore unwarranted claims as to its effectiveness as an antiseptic and germicide and as a preventive against infection.

On November 24, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the John H. Wood Co., a corporation, Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 15, 1932, from the State of Pennsylvania into the State of Massachusetts, of a quantity of Phenlin Oris that was adulterated and misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of an ointment with a petrolatum and paraffin base containing small proportions of cresylic acid and water. Bacteriological tests showed that the article was not antiseptic.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be an antiseptic for all cracked or roughened conditions of the lips, and a germicide for all germ culture upon the mucous membrane or skin, whereas it was not an antiseptic or germicide as so represented.

Misbranding was alleged for the reason that the statements on the label of the jar containing the article, "Antiseptic for all cracked or roughened conditions of the lips. * * * Rubbed upon mucous membrane or skin it destroys all germ culture", were false and misleading, since the article was not antiseptic for all cracked or roughened conditions of the lips and would not destroy all germ culture upon the mucous membrane or skin. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the label, falsely and fraudulently represented that it was effective as a preventive against infection, whereas the article contained no ingredients or medicinal agents effective as a preventive against infection.

On December 11, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*